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By *Orlando Quiroz*
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Date: December 8, 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Peter G. Webb

Examiner: LIN, JERRY

Serial No.: 10/691,038

Filed: Oct. 21, 2003

Title: **"Biopolymer Arrays And Their Fabrication"**

Atty Docket: 10990641-2

Commissioner for Patents
P. O. 1450
Alexandria, VA 22313-1450

Reply to Restriction Requirement

This Reply to Restriction Requirement is being submitted in response to the Office Action mailed September 13, 2006, for the above-captioned application. The Examiner set a one (1) month period for response. A petition for a two (2) month extension accompanies this reply, which is being filed on or before its current due date of December 13, 2006.

In the Office Action, the Examiner required the following restriction under 35 U.S.C. 121:

- I. Claims 21-39, drawn to an apparatus for fabricating an addressable array, classified in class 422, subclass 68.1.
- II. Claims 40-45, drawn to computer program product, classified in class 700, subclass 95.

In response, Applicants elect Group I, claims 21-39, with traverse. The restriction requirement is respectfully traversed for the reasons set forth below.

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (a) The inventions must be independent or distinct as claimed; and
- (b) There must be a serious burden on the Examiner if restriction is not required.

MPEP §803. If the search and examination of an entire application can be made without serious



burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. *Id.*

In this case, the Group I claims are drawn to apparatuses for fabricating an addressable array, and the Group II claims are drawn to computer program products for use on an apparatus comprising the elements of the Group I claims. Therefore, the two groups can be searched and examined together without serious burden on the Examiner. Consequently, the criterion under MPEP §803(b) is not satisfied.

Accordingly, Applicants respectfully request that Groups I and II be joined to a single group containing claims 21-45.

Should the Examiner have any questions, a telephone call to the undersigned attorney for the Applicants would be appreciated.

Early examination of this application on the merits is earnestly solicited.

Respectfully submitted,

PETER G. WEBB ET AL.

By


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